M E M O R A N D U M

Department of Environmental Quality
Division of Water Program Coordination
Office of Water Permit Programs

SUBJECT: Guidance Memo No. 99-2008
Implementation Guidance for the Reissuance of the VPDES General Permit VAR4, Storm Water Discharges from Construction Sites

TO: Regional Directors

FROM: Larry G. Lawson, P.E.

DATE: July 16, 1999

COPIES: Regional Permit Managers, Regional Water Permit Managers, Regional Compliance and Enforcement Managers, Martin G. Ferguson, Mary Jo Leugers, OWPP Staff

On December 3, 1999, the State Water Control Board adopted the amended General VPDES Permit Regulation (9 VAC 25-180-10 et seq.) that will allow the reissuance of the subject general permit. The effective date of the permit is June 30, 1999, and the permit will expire on June 30, 2004. A copy of the adopted regulation and the final version of the permit fact sheet are attached for your information. Separate copies of the general permit, registration statement, and notice of termination are attached for use by the permit writers. All of these documents are also available at K:\AGENCY\OWPS\VPDES\GENPERMS under the label of SW99-CON.***.

Changes From Previous Permit Regulation

There are no major changes in this regulation from the previous regulation. Two notable changes have been made: **(1)** the Registration Statement must now be submitted at least two (2) days prior to commencing construction activities (the old permit required the Registration Statement at least 14 days prior to commencing construction activities); and, **(2)** the permit may now be used to cover storm water discharges from on-site and off-site support activities, such as concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas, etc. The support activity must be directly related to a permitted construction site, may not be a commercial operation serving multiple unrelated construction projects by different operators, may not operate beyond the completion of the construction activity at the last construction project it supports, and appropriate controls and measures must be identified in a storm water pollution prevention plan covering the discharges from the support activity areas. Support activities located off-site are not required to be covered under the same general permit as the construction site.

The storm water discharges from an off-site support activity may be covered under another VPDES permit.

Other notable changes in this regulation: the definitions section has been rewritten extensively; the two "boilerplate" sections (Part II, Monitoring and Reporting and Part IV, Management Requirements) have been replaced with the new boilerplate language and moved to Part III, Conditions Applicable to All VPDES Permits; the Storm Water Pollution Prevention Plan (SWPPP) requirements are now Part II; the SWPPP requirements have been modified to make them more consistent with DCR's E & S Control requirements; the Registration Statement and Notice of Termination forms have been modified slightly.

Discharges Not Eligible For Coverage

Construction site operators are not authorized by this general permit to discharge to state waters specifically named in other Board regulations or policies which prohibit such discharges. In addition, storm water discharges which the Director determines cause, may reasonably be expected to cause, or contribute to a violation of water quality standards are not covered by this permit.

Registration Statement and SWPPP Development Deadlines

Construction Sites Previously Permitted Under VAR4 - To avoid a lapse in permit coverage, operators of construction projects that were on-going as of June 30, 1999, and permitted under the old construction general permit, must submit a Registration Statement by June 30, 1999, and update their SWPPP to comply with the new permit within 30 days after the date of coverage.

Existing Construction Sites not Covered by a VPDES Permit -

Operators of construction projects that were on-going as of June 30, 1999, which were not permitted under the 1994 construction storm water general permit, who propose to be covered by this general permit must submit a Registration Statement and prepare and comply with a SWPPP within 30 days after the date of coverage. (NOTE: there is no deadline in the regulation for this "late filing"; until these facilities are permitted they are discharging without a permit and subject to DEQ/EPA enforcement action.)

New Construction Sites - Operators must submit a Registration Statement at least two (2) days prior to commencing construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation, or other construction activities). The SWPPP must be prepared prior to

submitting the Registration Statement and provide for compliance with the terms and schedule of the plan beginning with the commencement of construction.

Operator Changes - For construction projects where the operator changes after a Registration Statement has been submitted, the new operator must submit a Registration Statement at least two (2) days before assuming operational control over site specifications or commencing work on-site. The new operator must accept and maintain the existing SWPPP or prepare and implement a new SWPPP prior to taking over operations at the site. (Note: A Notice of Termination should be submitted by the old operator when the operator of a construction site changes - see the Notice of Termination section below.)

Permit Application Fees

This general permit is a five year permit with a fixed expiration date of June 30, 2004. The Permit Application Fee for coverage is $200 for the full five year term. Application fees are prorated depending on how many years are left until permit expiration. The schedule is as follows:

June 30, 1999	- December 31, 1999	$200
January 1, 2000	- December 31, 2000	$160
January 1, 2001	- December 31, 2001	$120
January 1, 2002	- December 31, 2002	$ 80
January 1, 2003	- December 31, 2003	$ 40
January 1, 2004	- June 30, 2004	$ 0

Registration Statements

Operators **do not** have to use the DEQ Registration Statement form (DEQ-Water Form SWGP99-004-REG) to apply for a permit; however, they **must** include **all** the information required by the regulation in their application.

The Registration Statement forms have changed slightly for this permit. Each section of the form is discussed below:

1. Construction Activity Operator - this was "owner" on the old form. The same information is asked for on this form.

2. Location of Construction Activity - same information as on the old form. If no street address is available, we need the latitude/ longitude information. For linear construction projects (such as a 100-mile highway construction project), the midpoint of the project should be used as the site location. For construction projects that span across more than one DEQ region, the midpoint should be used to determine which

DEQ region issues the permit.

3. Location of All Off-site Support Activities to be Covered Under This Permit - this section is new for this permit and should be filled in if there are any off-site support activities that the permittee wants to include in this permit.

4. Status - same information as on the old form.

5. Is Storm Water Runoff Discharged to a Municipal Separate Storm Sewer System (MS4)? - same information as on the old form. If "yes" is checked, we need the name of the municipality they are discharging to.

6. Receiving Water Body of Direct Discharge or Municipal Separate Storm Sewer System - same information as on the old form. We need a stream name in here. ("N/A", "None", "No direct discharges", blanks, etc. are not acceptable here!)

7. Project Start Date
8. Total Land Area of Site
9. Estimated Area to be Disturbed - same information for these three as on the old form. We need something filled in for each. Note that we have eliminated the "**Estimated Project Completion Date**" question.

10. Has a Storm Water Pollution Prevention Plan Been Prepared in Accordance with the Requirements of the VPDES General Permit for Storm Water Discharges From Construction Activities? - same question as on the old form; operator **must** check either "Yes" or "No" for the Registration Statement to be deemed complete. If "No" is checked, we need an explanation here. The SWPPP is required to be prepared prior to the operator submitting the Registration Statement, except for "Existing Construction Sites not Covered by a VPDES Permit", which have 30 days to prepare and comply with the SWPPP. Some discretion should be used with this one, depending on the explanation that is provided, but generally we will not issue the permit and they can not begin construction until the SWPPP is prepared.

11. Has an Erosion and Sediment Control Plan for the Construction Activity Been Approved by an Appropriate State or Local Plan Approving Authority? - this section is new for this permit. Generally the municipality will be the Local Plan Approving Authority (LPAA). For State projects, DCR will be the LPAA. Federal projects may or may not have an LPAA, depending on the agency involved. The Regulation requires that the operator obtain prior approval of an erosion and sediment control plan from the locality in which the construction activity is to occur or from another appropriate plan approving authority authorized under the Virginia Erosion and Sediment Control Regulation, 4 VAC 50-30-10 et seq., unless the operator is exempt from the

requirement to submit an erosion and sediment control plan by 4 VAC 50-30-10 et seq. If "No" is checked, a permit will not be issued to the operator (unless the operator is exempt) until the E & S Control Plan has been approved.

12. Certification - standard certification statement. The form **must** be signed in accordance with the VPDES Permit regulation.

Once the Registration Statement is deemed complete, we will send a copy of the general permit to the operator.

Permit Numbers

Permit numbers are assigned by the Regional Offices according to the following procedure. Since this permit is a reissuance, we will start numbering new issuances where we left off with the old permit. For facilities renewing an existing permit, we will keep the old permit number. (Note: Permit numbers do not get recycled! Once a permit number is issued, we do not reissue that permit number to another facility at a later date.)

All construction general permit numbers begin with "VAR4". The next number identifies the DEQ Regional Office: 1 - Southwest; 2 - West Central; 3 - Northern; 4 - Piedmont; 5 - Tidewater; 6 - Valley. The remaining four numbers are assigned by the Regional Offices sequentially to the permittees as the permits are issued. The permit number must be typed in on the cover page before the permit is mailed to the owner. The number does not need to be typed on any of the other permit pages.

Notices of Termination

When a construction site has undergone final stabilization, and all storm water discharges from the construction activities have been eliminated, the operator of the facility should submit a Notice of Termination (NOT) to DEQ within 30 days after the final stabilization has been achieved. An NOT should also be submitted when the operator of a construction site changes.

Operators **do not** have to use the DEQ NOT form (DEQ-Water Form SWGP99-004-NOT); however, they **must** include **all** the information required by the regulation in their notification.

The NOT form sections have been reordered for this permit, but otherwise the form is essentially the same as the previous form. The NOT form must be signed in accordance with the VPDES Permit Regulation.

Attachments

Attachment 1 - VA Construction SWGP Regulation - 9 VAC 25-180-10 et seq. GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT REGULATION FOR DISCHARGES OF STORM WATER FROM CONSTRUCTION ACTIVITIES

Attachment 2 - VA Construction SWGP Fact Sheet

Attachment 3 - VA Construction SWGP

Attachment 4 - VA Construction SWGP Forms:
SWGP99-004-REG, Registration Statement Form and Instructions
SWGP99-004-NOT, Notice of Termination Form and Instructions

DISCLAIMER

This document provides technical and procedural guidance to the permit staff for implementation of the VPDES General Permit for Discharges of Storm Water From Construction Activities (VAR4). This document is guidance only. It does not establish or affect legal rights or obligations. It does not establish a binding norm and is not finally determinative of the issues addressed. Agency decisions in any particular case will be made by applying the State Water Control Law and the implementation regulations on the basis of the site specific facts when permits are issued.

Attachment 1

COMMONWEALTH OF VIRGINIA
STATE WATER CONTROL BOARD

9 VAC 25-180-10 et seq. - GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT REGULATION FOR DISCHARGES OF STORM WATER FROM CONSTRUCTION ACTIVITIES

[Adopted: March 23, 1994 - Effective: June 30, 1994; Amended: December 3, 1998 - Effective: June 30, 1999]

9 VAC 25-180-10. Definitions.

The words and terms used in this regulation shall have the meanings defined in the State Water Control Law and 9 VAC 25-31-10 et seq. (VPDES Permit Regulation) unless the context clearly indicates otherwise, except that for the purposes of this regulation:

"Control Measure" means any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to surface waters.

"Commencement of Construction" means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

"Final Stabilization" means that either:

1. All soil disturbing activities at the site have been completed and a uniform (i.e., evenly distributed, without large bare areas) perennial vegetative cover equal to at least 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed. Establishing at least 70% of the natural cover of the native vegetation meets the vegetative cover criteria for final stabilization (e.g., if the native vegetation covers 50% of the ground, 70% of 50% would require 35% total cover for final stabilization; on a beach with no natural vegetation, no stabilization is required);
2. For individual lots in residential construction by either:
    (a) The homebuilder completing final stabilization as specified above; or
    (b) The homebuilder establishing temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization; or
3. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters, and area which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria 1 or 2 of this definition.

"Industrial Activity" means construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale.

"Municipal Separate Storm Sewer" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved

management agency under Section 208 of the Clean Water Act (CWA) (33 USC 1251 et seq.) that discharges to surface waters of the State; (ii) designed or used for collecting or conveying storm water; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW).

"Operator" means, in the context of storm water associated with construction activity, any person associated with a construction project that meets either of the following two criteria: (i) The person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (ii) the person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the storm water pollution prevention plan or comply with other permit conditions).

"Permittee" means any operator whose construction site is covered under this general permit.

"Runoff Coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm Water Discharge Associated with Industrial Activity" means a discharge of pollutants in storm water runoff from construction activities where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, fueling), or other industrial storm water discharges directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

9 VAC 25-180-20. Purpose.

This general permit regulation governs storm water discharges from construction activities. For the purposes of this regulation, these discharges are defined as storm water discharges associated with industrial activity. Storm water discharges associated with other types of industrial activity shall not have coverage under this general permit. This general permit covers only discharges through a point source to a surface water or through a municipal or nonmunicipal separate storm sewer system to surface waters. Storm water discharges associated with industrial activity that originate from the site after construction activities have been completed and the site has undergone final stabilization are not authorized by this permit.

9 VAC 25-180-30. Delegation of authority.

The Director, or an authorized representative, may perform any act of the board provided under this regulation, except as limited by Section 62.1-44.14 of the Code of Virginia.

9 VAC 25-180-40. Effective date of the permit.

This general permit will become effective on June 30, 1999. This general permit will expire five years from the effective date.

9 VAC 25-180-50. Authorization to discharge.

A. Any operator governed by this general permit is hereby authorized to discharge to surface waters of the Commonwealth of Virginia provided that the operator files the Registration Statement of 9 VAC 25-180-60 and any fees required by 9 VAC 25-20-10 et seq., complies with the requirements of 9 VAC 25-180-70, and provided that:

1. The operator shall not have been required to obtain an individual permit according to 9 VAC 25-31-170 B;

2. The operator shall not be authorized by this general permit to discharge to state waters specifically named in other Board regulations or policies which prohibit such discharges;
3. The operator shall obtain prior approval of an erosion and sediment control plan from the locality in which the construction activity is to occur or from another appropriate plan approving authority authorized under the Virginia Erosion and Sediment Control Regulation, 4 VAC 50-30-10 et seq., unless the operator is exempt from the requirement to submit an erosion and sediment control plan by 4 VAC 50-30-10 et seq.;
4. Storm water discharges which the Director determines cause, may reasonably be expected to cause, or be contributing to a violation of water quality standards are not covered by this permit; and
5. The storm water discharge authorized by this permit may be combined with other sources of storm water which are not required to be covered under a VPDES permit, so long as the combined discharge is in compliance with this permit. Any discharge authorized by a different VPDES permit may be commingled with discharges authorized by this permit.

B. This permit may also be used to authorize storm water discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) located onsite or offsite provided that:
1. The support activity is directly related to a construction site that is required to have VPDES permit coverage for discharges of storm water associated with construction activity;
2. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
3. Appropriate controls and measures are identified in a storm water pollution prevention plan covering the discharges from the support activity areas.

C. Support activities located offsite are not required to be covered under this general permit. Discharges of storm water from offsite support activities may be authorized under another VPDES permit. Where storm water discharges from offsite support activities are not authorized under this general permit, the land area of the offsite support activity need not be included in determining the total land disturbance acreage of the construction activity seeking general permit coverage.

D. Receipt of this general permit does not relieve any operator of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation.

9 VAC 25-180-60. Registration Statement; Notice of Termination.

A. Deadlines for Submitting Registration Statement
1. Except as provided in paragraphs A 3 or A 4 of this section, operators must submit a Registration Statement in accordance with the requirements of this section at least two (2) days prior to the commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities).
2. For storm water discharges from construction projects where the operator changes after a Registration Statement has been submitted, the new operator must submit a Registration Statement at least two (2) days before assuming operational control over site specifications or commencing work on-site.
3. To avoid a lapse in permit coverage, operators of on-going construction projects as of June 30, 1999 which were authorized to discharge under the previous construction storm water general permit issued in 1994 must:
a. Submit a Registration Statement by June 30, 1999; and
b. Update their storm water pollution prevention plan to comply with the requirements of this general permit within 30 days after the date of coverage under this permit.
4. Operators of on-going construction projects as of June 30, 1999 which did not receive authorization to discharge from these projects under the 1994 construction storm water general permit, who propose to

be covered by this general permit must:

a. Submit a Registration Statement; and

b. Prepare and comply with a storm water pollution prevention plan in accordance with the requirements of this general permit within 30 days after the date of coverage under this general permit.

B. Registration Statement. The operator shall submit a Registration Statement which shall contain the following information:

1. Name, mailing address and telephone number of the construction activity operator;
2. Name and location of the construction activity and all offsite support activities to be covered under the permit. If a street address is unavailable, provide latitude and longitude;
3. Status of the activity: federal, state, public or private;
4. Indicate if storm water runoff is discharged to a municipal separate storm sewer system (MS4);
5. Name of the water body receiving the discharge from the construction activity or MS4;
6. Project start date;
7. Estimated area to be disturbed by construction activity (acres);
8. Total land area of development, if area to be disturbed by the construction activity is part of a larger common plan of development or sale (acres);
9. Indicate if a storm water pollution prevention plan has been prepared in accordance with the requirements of the VPDES General Permit for Storm Water Discharges from Construction Activities;
10. Indicate if an erosion and sediment control plan for the construction activity is required by the Virginia Erosion and Sediment Control Regulation, 4 VAC 50-30-10 et seq. If a plan is required, indicate if one has been approved by an appropriate state or local plan approving authority; and
11. The following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

The registration statement shall be signed in accordance with 9 VAC 25-31-110.

C. Notice of Termination. When a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated or where the operator of the construction site has changed, the operator of the facility shall submit a Notice of Termination within 30 days after final stabilization has been achieved or when he is no longer the operator. The operator shall submit a Notice of Termination which shall contain the following information:

1. Name, mailing address and telephone number of the construction activity operator;
2. Name and location of the construction activity. If a street address is unavailable, provide latitude and longitude;
3. The VPDES Storm Water General Permit Number;
4. Indicate which of these circumstances applies:
   a. The operator of the site has changed; or
   b. The construction site has undergone final stabilization and the storm water discharges from the construction activity have been terminated; and
5. The following certification: "I certify under penalty of law that all storm water discharges from the identified construction activity that are authorized by a VPDES general permit have been eliminated, or that I am no longer the operator of the construction activity. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water in accordance with the general permit, and that discharging pollutants in storm water to surface waters is unlawful where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this Notice of Termination

does not release an operator from liability for any violations of this permit."

The notice of termination shall be signed in accordance with 9 VAC 25-31-110.

9 VAC 25-180-70. General permit.

Any operator whose registration statement is accepted by the Director will receive the following permit and shall comply with the requirements therein and be subject to all requirements of the VPDES Permit Regulation, 9 VAC 25-31-10 et seq.

General Permit No.: VAR4
Effective Date:
Expiration Date:

GENERAL PERMIT FOR STORM WATER DISCHARGES OF STORM WATER FROM CONSTRUCTION ACTIVITIES

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, operators of construction activities (those sites or common plans of development or sale that will result in the disturbance of five of more acres total land area) with storm water discharges from these construction activities are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in Board regulation or policies which prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Discharge Authorization and Special Conditions, Part II - Storm Water Pollution Prevention Plan and Part III - Conditions Applicable To All VPDES Permits, as set forth herein.

PART I
DISCHARGE AUTHORIZATION AND SPECIAL CONDITIONS

A. Coverage Under This Permit.

1. During the period beginning with the date of coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge storm water from construction activities.
2. This permit also authorizes storm water discharges from offsite support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that:
   a. The support activity is directly related to a construction site that is required to have VPDES permit coverage for discharges of storm water associated with construction activity;
   b. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
   c. Appropriate controls and pollution prevention measures for the discharges from the support activity areas are identified in the storm water pollution prevention plan for the construction activity.
3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

B. Limitation on Coverage.

1. Postconstruction Discharges. This permit does not authorize storm water discharges that originate from the site after construction activities have been completed and the site, including any temporary support activity site, has undergone final stabilization. Industrial postconstruction storm water discharges may need to be covered by a separate VPDES permit.

2. Discharges Mixed With Nonstorm Water. This permit does not authorize discharges that are mixed with sources of nonstorm water, other than those discharges which are identified in Part I D 2 (exceptions to prohibition on nonstorm water discharges) and are in compliance with Part II D 5 (nonstorm water discharges).

3. Discharges Covered by Another Permit. This permit does not authorize storm water discharges associated with construction activity that have been covered under an individual permit or required to obtain coverage under an alternative general permit in accordance with Part III.X.

C. Commingled Discharges. Any discharge authorized by a different VPDES permit may be commingled with discharges authorized by this permit.

D. Prohibition of Nonstorm Water Discharges.

1. Except as provided in Parts I.A.2, I.C and I.D.2, all discharges covered by this permit shall be composed entirely of storm water associated with construction activity.

2. The following nonstorm water discharges from active construction sites are authorized by this permit provided the nonstorm water component of the discharge is in compliance with Part II.D.5 (nonstorm water discharges): discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles where detergents are not used; water used to control dust; potable water sources including waterline flushings; water used for hydrostatic testing of new pipeline construction; routine external building wash down which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated compressor condensate; uncontaminated ground water or spring water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

E. Releases of Hazardous Substances or Oil in Excess of Reportable Quantities. The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110 (1998), 40 CFR 117 (1998) or 40 CFR 302 (1998) occurs during a 24 hour period, the permittee is required to notify the Department in accordance with the requirements of Part III G as soon as he or she has knowledge of the discharge. In addition, the storm water pollution prevention plan required under Part II of this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110 (1998), 40 CFR 117 (1998) and 40 CFR 302 (1998) or ' 62.1-44.34:19 of the Code of Virginia.

F. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

G. Notice of Termination.

1. Where a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated, the permittee of the facility shall submit a Notice of Termination that is signed in accordance with Part III.K.

2. The terms and conditions of this permit shall remain in effect until a completed Notice of Termination is submitted. Coverage under the permit will be deemed terminated two days after the operator submits the Notice of Termination to the Department.

PART II
STORM WATER POLLUTION PREVENTION PLANS

A storm water pollution prevention plan shall be developed for the construction activity covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site. In addition, the plan shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges at the construction site and to assure compliance with the terms and conditions of this permit. Permittees must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

The storm water pollution prevention plan requirements of this general permit may be fulfilled by incorporating by reference other plans such as an erosion and sediment control plan, a spill prevention control and countermeasure (SPCC) plans developed for the facility under Section 311 of the Clean Water Act or best management practices (BMP) programs otherwise required for the facility provided that the incorporated plan meets or exceeds the plan requirements of Part II D. If an erosion and sediment control plan for the construction activity is being incorporated by reference, it shall have been approved by the locality in which the construction activity is to occur or by another appropriate plan approving authority authorized under the Virginia Erosion and Sediment Control Regulation 4 VAC 50-30-10 et seq. All plans incorporated by reference into the storm water pollution prevention plan become enforceable under this permit.

A. Deadlines for Plan Preparation and Compliance.

1. For construction activities that have begun on or before June 30, 1999, the storm water pollution prevention plan shall be prepared and provide for compliance with the terms and schedule of the plan beginning within 30 days after the date of coverage under this permit.
2. For construction activities that have begun after June 30, 1999, the plan shall be prepared prior to submittal of the Registration Statement and provide for compliance with the terms and schedule of the plan beginning with the initiation of construction activities.
3. For ongoing construction activity involving a change of operator, the new operator shall accept and maintain the existing storm water pollution prevention plan or prepare and implement a new storm water pollution prevention plan prior to taking over operations at the site.

B. Signature and Plan Review.

1. The plan shall be signed in accordance with Part III K, and be retained with a copy of this permit onsite at the facility which generates the storm water discharge in accordance with Part III B of this permit.
2. The permittee shall make plans available upon request to the Department; a State or local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge which discharges through a municipal separate storm sewer system to the operator of the municipal system from the date of project initiation to the date of final stabilization. Permittees with day-to-day operational control over plan implementation shall have a copy of the plan available at a central location onsite for the use of all operators and those identified as having responsibilities under the plan whenever they are on the construction site. The copy of the plan that is required to be kept onsite must be made available to the Department for review at the time of an onsite inspection.
3. The Director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this Part. Such notification shall identify those provisions of the permit which are not being met by the plan and identify which provisions require modifications in order to meet the minimum requirements of this permit. Within 7 days of such notification the permittee shall make the required changes and shall submit to the Department a written certification that the requested changes have been made. The Director may take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of this permit.

C. Keeping Plans Current. The permittee shall amend the plan whenever there is a change in design, construction,

operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters and which has not otherwise been addressed in the plan or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part II.D.1. of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges from construction activities. The plan shall be amended in accordance with Part II.E. to identify any new contractor that will implement a measure of the plan.

D. Contents of Plan. The storm water pollution prevention plan shall include the following items:

1. Site Description. Each plan shall provide a description of pollutant sources and other information as indicated:

a. A description of the nature of the construction activity;

b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading, utilities and infrastructure installation);

c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities including offsite borrow and fill areas covered by the plan;

d. An estimate of the runoff coefficient of the site prior to construction and after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;

e. A description of existing vegetation at the site;

f. A description of any other potential pollution sources, such as vehicle fueling, storage of fertilizers or chemicals, sanitary waste facilities, etc.;

g. The name of the receiving water(s) and the ultimate receiving water(s), and areal extent of wetland acreage at the site;

h. A site map indicating:

(1) drainage patterns and approximate slopes or contours anticipated after major grading activities;

(2) areas of soil disturbance and areas of the site which will not be disturbed;

(3) the location of major structural and nonstructural controls identified in the plan;

(4) the location of areas where stabilization practices are expected to occur including the types of vegetative cover;

(5) surface waters (including wetlands);

(6) locations where storm water is discharged to a surface water with an outline of the drainage area for each discharge point;

(7) existing and planned paved areas and buildings;

(8) locations of permanent storm water management practices to be used to control pollutants in storm water after construction activities have been completed;

(9) locations of offsite material, waste, borrow or equipment storage areas covered by the plan; and

(10) locations of other potential pollution sources as described in f. above; and

i. The location and description of any discharge associated with industrial activity other than construction, including storm water discharges from dedicated asphalt plants and dedicated concrete plants, which is covered by this permit.

Two site maps may be developed, one indicating pre-construction site conditions and the second indicating final site conditions. The two maps should be on the same scale.

2. Controls. Each plan shall include a description of appropriate controls and measures that will be implemented to control pollutants in storm water discharges at the construction site. The plan will clearly describe for each major activity identified in the site plan appropriate control measures and the timing during the construction process that the measures will be implemented. (For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained until final stabilization of those portions of the site upward of the perimeter

control. Temporary perimeter controls will be removed after final stabilization). The description and implementation of controls shall address the following minimum components:

a. Erosion and Sediment Controls.

(1) Short and Long Term Goals and Criteria.

(a) The construction-phase erosion and sediment controls shall be designed to retain sediment on site to the maximum extent practicable.

(b) All control measures must be properly selected, installed, and maintained in accordance with the manufacturers specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the permittee must replace or modify the control for site situations.

(c) If sediment escapes the construction site, offsite accumulations of sediment must be removed at a frequency sufficient to minimize offsite impacts (e.g., fugitive sediment in street could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).

(d) Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.

(e) Litter, construction debris, and construction chemicals exposed to storm water shall be prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, picked up daily).

(f) Offsite material storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) where storm water discharges are authorized by this permit are considered a part of the project and shall be addressed in the plan.

(2) Stabilization Practices. The storm water pollution prevention plan shall include a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include, but are not limited to: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, riprap, gabions, facines, biologs and other appropriate measures. Use of impervious surfaces for stabilization should be avoided.

A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be maintained and included in the plan.

Except as provided in Part II.D.2.a.(2)(a), and (b), stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.

(a) Where the initiation of stabilization measures by the 7th day after construction activity temporary or permanently cease is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable.

(b) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 30 days, temporary stabilization measures do not have to be initiated on that portion of site.

(3) Structural Practices. The plan shall include a description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include, but are not limited to: silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and

temporary or permanent sediment basins. Structural practices should be placed on upland soils, to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.

(a) For common drainage locations that serve an area with 3 or more acres at one time, a temporary (or permanent) sediment basin providing 3,618 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. The 3,618 cubic feet of storage area per acre drained does not apply to flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is attainable, the permittee may consider factors such as site soils, slope, available area on site, etc. In any event, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls shall be used where site limitations would preclude a safe design. For drainage locations which serve three (3) or more acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. Where neither the sediment basin nor equivalent controls are attainable due to site limitations, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions. The Department encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

(b) For drainage locations serving less than 3 acres, smaller sediment basins or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips or equivalent sediment controls are required for all downslope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for 3,618 cubic feet of storage per acre drained is provided. The Department encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

b. Storm Water Management. A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed must be included in the storm water pollution prevention plan. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges from construction activities have been eliminated from the site. Postconstruction storm water BMPs that discharge pollutants from point sources once construction is completed, may in themselves, need authorization under a separate VPDES permit.

(1) Such practices may include, but are not limited to: storm water detention structures (including dry ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; storm water wetlands; sand filters; bioretention systems; water quality structures; and sequential systems (which combine several practices). The pollution prevention plan shall include an explanation of the technical basis used to select the practices to control pollution

where flows exceed predevelopment levels.

(2) Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a nonerosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

c. Other Controls.

(1) No solid materials, including building materials, garbage, and debris shall be discharged to surface waters of the State, except as authorized by a CWA Section 404 permit.

(2) Where construction vehicle access routes intersect paved public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto the paved surface. Where sediment is transported onto a public road surface, the road shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner.

(3) The plan shall ensure and demonstrate compliance with applicable State or local waste disposal, sanitary sewer or septic system regulations.

(4) The plan shall include a description of construction and waste materials expected to be stored onsite with updates as appropriate. The plan shall also include a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to storm water, and spill prevention and response.

(5) The plan shall include a description of pollutant sources from areas other than the permitted construction activity (including storm water discharges from dedicated asphalt plants and dedicated concrete plants) that contribute to the permitted discharge.

d. Approved State or Local Plans.

(1) Permittees which discharge storm water associated with construction activities must ensure their storm water pollution prevention plan is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by state, or local officials.

(2) Storm water pollution prevention plans must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or storm water management site plans or site permits approved by state, or local officials for which the permittee receives written notice.

3. Maintenance. The storm water pollution prevention plan must include a description and schedule of procedures to maintain in good and effective operating conditions vegetation, erosion and sediment control measures and other protective measures during construction identified in the site plan. If site inspections required by Part II.D.4. identify BMPs that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

4. Inspections. Facility personnel who are familiar with the construction activity, the BMPs and the storm water pollution prevention plan shall inspect disturbed areas of the construction site that have not been finally stabilized, and areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site. These inspections shall be conducted at least once every fourteen calendar days and within 48 hours of the end of a storm event that is 0.5 inches or greater. Where areas have been finally or temporarily stabilized or runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or frozen ground exists) such inspections shall be conducted at least once every month.

a. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that

they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.

b. Based on the results of the inspection, the site description identified in the plan in accordance with Part II.D.1 of this permit and pollution prevention measures identified in the plan in accordance with Part II.D.2 of this permit shall be revised as appropriate, but in no case later than 7 calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation shall be completed before the next anticipated storm event. If implementation before the next anticipated storm event is impracticable, they shall be implemented as soon as practicable.

c. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with Part II.D.4.b of the permit shall be made and retained as part of the storm water pollution prevention plan in accordance with Part III.B of this permit. Major observations should include: the location(s) of discharges of sediment or other pollutants from the site; location(s) of BMPs that need to be maintained; location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and location(s) where additional BMPs are needed that did not exist at the time of inspection. Such reports shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part III.K of this permit.

5. Nonstorm Water Discharges. Except for flows from fire fighting activities, sources of nonstorm water listed in Part I.D.2 of this permit that are combined with storm water discharges from the construction site must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the nonstorm water component(s) of the discharge.

E. Contractors.

1. The storm water pollution prevention plan must clearly identify for each measure identified in the plan, the contractor(s) or subcontractor(s) that will implement the measure. All contractors and subcontractors identified in the plan must sign a copy of the certification statement in Part II.E.2 of this permit in accordance with Part III.K of this permit. All certifications must be included in the storm water pollution prevention plan.

2. All contractors and subcontractors identified in a storm water pollution prevention plan in accordance with Part II.E.1 of this permit shall sign a copy of the following certification statement before conducting any professional service at the site identified in the storm water pollution prevention plan: "I certify under penalty of law that I understand the terms and conditions of this Virginia Pollutant Discharge Elimination System (VPDES) general permit that authorizes the storm water discharges from the construction activity identified as part of this certification."

The certification must include the name and title of the person providing the signature in accordance with Part III.K of this permit; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

PART III
CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.

2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal

Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.

3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Records.

1. Records of monitoring information shall include:
   a. The date, exact place, and time of sampling or measurements;
   b. The individual(s) who performed the sampling or measurements;
   c. The date(s) and time(s) analyses were performed;
   d. The individual(s) who performed the analyses;
   e. The analytical techniques or methods used; and
   f. The results of such analyses.

2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least 3 years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the Department's regional office.

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.

3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.

4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information. The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges. Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious

substances; or

2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges. Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part III F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part III F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part III I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance. The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
    a. Any unanticipated bypass; and
    b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
    a. A description of the noncompliance and its cause;
    b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
    c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

    The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part III I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.
3. The permittee shall report all instances of noncompliance not reported under Parts III I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information

listed in Part III I 2.

NOTE: The immediate (within 24 hours) reports required in Parts III G, H and I may be made to the Department's Regional Office. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes.

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or

(2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements.

1. Registration Statement. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part III K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part III K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager,

operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

c. The written authorization is submitted to the Department.

3. Changes to authorization. If an authorization under Part III K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part III K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts III K 1 or 2 shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 90 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit. This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part III U), and "upset" (Part III V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including

appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges. Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts III U 2 and U 3.

2. Notice.

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part III I.

3. Prohibition of bypass.

a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part III U 2.

b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part III U 3 a.

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part III V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and that the permittee can identify the cause(s) of the upset;

b. The permitted facility was at the time being properly operated;

c. The permittee submitted notice of the upset as required in Part III I; and

d. The permittee complied with any remedial measures required under Part III S.

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry. The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions. Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part III Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.
2. As an alternative to transfers under Part III Y 1, this permit may be automatically transferred to a new permittee if:
    a. The current permittee notifies the Department at least 2 days in advance of the proposed transfer of the title to the facility or property;
    b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
    c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2 b.

Z. Severability. The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

Attachment 2

FACT SHEET Rev. 11/13/98

REISSUANCE OF A GENERAL VPDES PERMIT
TO DISCHARGE TO STATE WATERS AND STATE
CERTIFICATION UNDER THE STATE WATER CONTROL LAW

The Virginia State Water Control Board has under consideration the reissuance of a VPDES general permit for storm water discharges from construction activities. This general permit will replace the general permit VAR4 which expire June 30, 1999. Owners covered under the expiring general permit, who wish to continue to discharge under a general permit, must register for coverage under the new general permit.

Permit Number: VAR4
Name of Permittee: Any operator of a construction activity agreeing to be regulated under the terms of this general permit.
Facility Location: Commonwealth of Virginia
Receiving Waters: Surface waters within the boundaries of the Commonwealth of Virginia, except waters specifically named in Board regulations or policies which prohibit such discharges.

On the basis of preliminary review and application of lawful standards and regulations, the State Water Control Board proposes to reissue the general permit subject to certain conditions and has prepared a draft permit. The industrial category proposed for this general permit is construction activities that disturb five or more acres of land and discharge storm water runoff. The Board has determined that this category is appropriately controlled under a general permit. Storm water discharges from off site support activities may also be covered under the permit. The draft general permit requires that all covered activities which generate a discharge to surface waters develop a site-specific storm water pollution prevention plan. This permit will maintain the Water Quality Standards adopted by the Board.

Persons may comment in writing on the proposed reissuance of the general permit within 60 days from **August 17, 1998 and not later than 4:00 pm October 16, 1998**. Comments should be addressed to the contact person listed below. Comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments. Only those comments received within this period will be considered by the Board.

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting Richard Ayers at:

Virginia Department of Environmental Quality
P.O. Box 10009
Richmond, Virginia 23240
(804) 698-4075

A public hearing will be held on this draft permit on September 24, 1998. Notice of the public hearing will be published in newspapers and in the Virginia Register. Following the public hearing comment period, the Board will make its determinations regarding the proposed reissuance.

Administrative

The general permit will have a fixed term of five (5) years effective June 30, 1999. Every authorization to discharge storm water associated with a construction activity under this general permit will expire at the same time and all authorizations will be renewed on the same date.

Construction activities will be authorized to discharge under the terms and conditions of this permit provided the operator files a complete registration statement at least 2 days prior to commencement of the

construction activities. The Department will review the registration statements received and send a copy of the general permit to those that qualify.

A definition for the term operator has been added to the permit for clarification. "Operator" means, in the context of storm water associated with construction activity, any person associated with a construction project that meets either of the following two criteria: (i) The person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (ii) the person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the storm water pollution prevention plan or comply with other permit conditions). To ensure effective implementation of the requirements of the permit, the permit must directly regulate each entity with control over the critical functions identified in the definition of an operator. Control over project specifications is necessary to ensure that a project design includes appropriate sediment and erosion control measures and post construction storm water management measures. Day-to-day operational control is necessary to ensure effective implementation of permit requirements at a project site. The entities who are considered operators will commonly consist of the owner or developer of a project (the party with control of project specifications) and the general contractor (the party with day to day operational control of the activities at the project site which are necessary to ensure compliance with the permit). Contractors and subcontractors who are under the general supervision of the general contractor are not considered operators and would not need to submit a registration statement. However, they must certify that they understand the terms and conditions of the proposed permit in accordance with Part II E of the permit.

This general permit does not apply to any new or increased discharge that will result in significant effects to the receiving waters. That determination is made in accordance with the State Water Control Board's Antidegradation Policy contained in the Virginia Water Quality Standards, 9 VAC 25-260-10 et seq. Antibacksliding will also be considered prior to granting coverage under this general permit to operations currently discharging under another VPDES permit.

Activities covered under this general permit

The general permit will authorize discharges of storm water associated with industrial activity. For the purposes of this permit, industrial activity is defined as construction activities that include clearing, grading and excavating. Construction activities are exempt from the requirement for a permit if the activity will result in the disturbance of less than five acres of total land area and provided that the construction activity is not part of a larger common plan of development or sale that equals or exceeds a total land area of five acres. On June 4, 1992, the United States Court of Appeals for the Ninth Circuit remanded the exemption for construction sites of less than five acres to the EPA for further rulemaking (Natural Resources Defense Council v. EPA, Nos. 90**B**70671 and 91**B**70200, slip op. at 6217 (9th Cir. June 4,1992). Until a new rule is promulgated by EPA to address sites under five acres, DEQ will continue to require VPDES permits for storm water discharges from construction activities of five or more acres.

This permit may also be used to authorize storm water discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) located onsite or offsite provided that: i) The support activity is directly related to a construction site that is required to have VPDES permit coverage for discharges of storm water associated with construction activity; ii) The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and iii) Appropriate controls and measures are identified in a storm water pollution prevention plan covering the discharges from the support activity areas. Support activities located offsite are not required to be covered under this general permit. Discharges of storm water from offsite support activities may be authorized under another VPDES permit. Where storm water discharges from offsite support activities are not authorized under this general permit, the land area of the offsite support activity need not be included in determining the total land disturbance acreage of the industrial activity seeking general permit coverage.

Limitations on coverage

This permit does not authorize storm water discharges that originate from the site after construction activities have been completed and the site, including any temporary support activity site, has undergone final stabilization. Industrial post-construction storm water discharges may need to be covered by a separate VPDES permit.

Storm water discharges which the Director has determined to cause, or that may reasonably be expected to cause or be contributing to, a violation of water quality standards are not covered by this permit.

This permit does not authorize storm water discharges associated with construction activity that have been covered under an individual permit or required by the Department to obtain coverage under an alternative general permit.

All discharges covered by this permit shall be composed entirely of storm water associated with construction activity, with the following exception. These non-storm water discharges from active construction sites are authorized by this permit: discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles where detergents are not used; water used to control dust; potable water sources including waterline flushings; water used for hydrostatic testing of new pipeline construction; routine external building wash down which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated compressor condensate; uncontaminated ground water or spring water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

The permit prohibits the discharge of floating solids or visible foam in other than trace amounts.

Any discharge authorized by a different VPDES permit may be commingled with discharges authorized by this permit.

Proposed Requirements for the Development of a Storm Water Pollution Prevention Plan

The permittee is required to develop a storm water pollution prevention plan. The plan is intended to identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site and describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges.

The Clean Water Act requires that all NPDES permits for storm water discharges associated with industrial activity must, at a minimum, establish Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) requirements. This permit establishes BAT/BCT requirements in terms of requirements to develop and implement storm water pollution prevention plans and thus, is consistent with the requirements of the CWA.

The development of a pollution prevention plan maintains the flexibility for a site-specific plan to be developed and implemented. This adequately addresses the variable storm water management/ pollution prevention opportunities available at a construction site. Storm water pollution prevention plans are required to achieve BAT/BCT requirements in lieu of numeric limitations. Pollution prevention measures are the most practicable and cost-effective approaches to reducing pollutants in storm water discharges and provide for flexibility for developing tailored plans and strategies. This permit identifies specific components that the plan must address and all the components of the plan are essential for reducing pollutants in storm water discharges and are necessary to reflect BAT/BCT. A specific list of traditional storm water controls and sediment and erosion practices are not established because the significant variability in facilities covered by this permit precludes the identification of universal standards or practices that are appropriate or can be implemented by all permittees.

The storm water pollution prevention plan requirements of the general permit may be fulfilled by incorporating by reference other plans such as an erosion and sediment control plan, a spill prevention control and countermeasure (SPCC) plan or best management practices (BMP) programs otherwise required for the facility provided that the incorporated plan meets or exceeds the plan requirements of the permit. If an erosion and sediment control plan for the construction activity is being incorporated by reference, it must already be approved by the locality in which the construction activity is to occur or by another appropriate plan approving authority

authorized under the Virginia Erosion and Sediment Control Regulation 4 VAC 50-30-10 et seq. All plans incorporated by reference into the storm water pollution prevention plan become enforceable under the permit.

Pollution Prevention Plan Requirements

The pollution prevention plans required by the general permit focus on two major tasks: (1) Providing a site description that identifies sources of pollution to storm water discharges associated with industrial activity from the facility; and (2) identifying and implementing appropriate measures to reduce pollutants in storm water discharges to ensure compliance with the terms and conditions of this permit. All storm water pollution prevention plans shall be developed in accordance with good engineering practices.

1. Deadlines for Plan Preparation
The proposed permit would require that for new construction activities, the storm water pollution prevention plan must be completed prior to the submittal of a registration statement to be covered under this permit and updated as appropriate, including certifications. For ongoing construction activities, the plan must be prepared and implemented within 30 days after the date of coverage under the permit. If the operator changes, the new operator must accept and be prepared to implement the existing plan, or prepare and implement a new plan, prior to taking over operations at the site.

2. Signature and Plan Review
The plan must be signed by all operators for a site in accordance with the signatory requirements in Part III of the permit, and must be retained on site, with a copy of the general permit, at the facility that generates the storm water discharge. DEQ may notify the permittee at anytime that the plan does not meet one or more of the minimum requirements. The notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan require modification in order to meet the requirements of the permit. Within seven calendar days of receipt of such notification, the permittee must make the required changes to the plan and submit to the Department a written certification that the requested changes have been made.

3. Making Plans Available
The permittee must make plans available, upon request, to DEQ, state, or local agencies approving sediment and erosion plans, grading plans, or storm water management plans; or to the operator of the municipal separate storm sewer which receives the discharge.

4. Keeping Plans Current
The permittee must amend the plan whenever there is a change in design, construction, operation, or maintenance, that has a significant effect on the potential for the discharge of pollutants to surface waters or to municipal separate storm sewer systems. The plan must also be amended if inspections or investigations by site operators, local, state, or federal officials indicate the storm water pollution prevention plan is proving to be ineffective in eliminating or significantly minimizing pollutants in the storm water discharges from the construction activity. In addition, the plan shall be amended to identify any new operator that will implement a measure of the storm water pollution prevention plan.

5. Contents of the Plan
Storm water pollution prevention plans must include a site description; a description of controls that will be used at the site (e.g., erosion and sediment controls, storm water management measures); a description of maintenance and inspection procedures; and a description of pollution prevention measures for any nonstorm water discharges that exist.

a. Site Description: Storm water pollution prevention plans must be based on an accurate understanding of

the pollution potential of the site. The first part of the plan requires an evaluation of the sources of pollution at a specific construction site. The plan must identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges from the construction site. In addition, the source identification components for pollution prevention plans must provide a description of the site and the construction activities. This information is intended to provide a better understanding of site runoff and major pollutant sources. At a minimum, plans must include the following: A description of the nature of the construction activity. This would typically include a description of the ultimate use of the project (e.g., low-density residential, shopping mall, highway); A description of the intended sequence of major activities that disturb soils for major portions of the site (e.g., grubbing, excavation, grading); Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities. Where the construction activity is to be staged, it may be appropriate to describe areas of the site that will be disturbed at different stages of the construction process; Estimates of the runoff coefficient of the site after construction activities are completed as well as existing data describing the quality of any discharge from the site or the soil. The runoff coefficient is defined as the fraction of total rainfall that will appear at the conveyance as runoff. Runoff coefficients can be estimated from site plan maps, which provide estimates of the area of impervious structures planned for the site and estimates of areas where vegetation will be precluded or incorporated. Runoff coefficients are one tool for evaluating the volume of runoff that will occur from a site when construction is completed. These coefficients assist in evaluating pollutant loadings, potential hydraulic impacts to receiving waters, and flooding impacts. They are also used for sizing of post-construction storm water management measures; A site map indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance; an outline of areas that will not be disturbed; the location of major structural and nonstructural controls identified in the plan; the location of areas where stabilization practices are expected to occur; the location of surface waters (including wetlands); and locations where storm water is discharged to a surface water. Site maps should also include other major features and potential pollutant sources, such as the location of impervious structures and the location of soil piles during the construction process; A description of any discharge associated with industrial activity other than construction (including stormwater discharges from dedicated asphalt plants and dedicated concrete plants) and the location of that activity on the construction site; and The name of the receiving water(s), and areal extent of wetland acreage at the site.

b. Controls to Reduce Pollutants: The storm water pollution prevention plan must describe and ensure the implementation of practices that will be used to reduce the pollutants in storm water discharges from the site and assure compliance with the terms and conditions of the permit. Permittees are required to develop a description of four classes of controls appropriate for inclusion in the facility's plan, and implement controls identified in the plan in accordance with the plan. The description of controls must address erosion and sediment controls, storm water management, a specified set of other controls, and any applicable procedures and requirements of state, and local sediment and erosion plans or storm water management plans. The pollution prevention plan must clearly describe the intended sequence of major activities and when, in relation to the construction process, the control will be implemented. Good site planning and preservation of mature vegetation are primary control techniques for controlling sediment in storm water discharges during construction activities as well as for developing a strategy for storm water management that controls pollutants in storm water discharges after the completion of construction activities. Properly staging major earth disturbing activities can also dramatically decrease the costs of sediment and erosion controls. The description of the intended sequence of major activities will typically describe the intended staging of activities on different parts of the site. Permittees must consider four classes of controls in the pollution prevention plan, each of which is discussed below.

1) Erosion and Sediment Controls: The requirements for erosion and sediment controls for construction activities in this permit have long and short term goals and criteria. This includes the following: Construction phase erosion and sediment controls should be designed with the

objective to retain sediment onsite; All control measures must be properly selected and installed in accordance with good engineering practices and manufacturers specifications; Off site accumulations of sediment must be removed at a frequency to minimize impacts; Sediment should be removed from sediment traps when the design capacity has been reduced by 50 percent; Litter shall be picked up prior to storm events or otherwise prevented from entering a receiving water; and Offsite material storage areas must be addressed in the pollution prevention plan if storm water discharges from those areas are to be authorized by the permit. Erosion and sediment controls include both stabilization practices and structural practices.

2) Stabilization Practices: Pollution prevention plans must include a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. The plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized as quickly as possible. Stabilization practices are the first line of defense for preventing erosion; they include temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetative buffer strips, and other appropriate measures. Temporary stabilization practices can be the single most important factor in reducing erosion at construction sites. Stabilization also involves preserving and protecting selected trees that were on the site prior to development. Mature trees have extensive canopy and root systems, which help to hold soil in place. Shade trees also keep soil from drying rapidly and becoming susceptible to erosion. Measures taken to protect trees can vary significantly, from simple measures such as installing tree fencing around the drip line and installing tree armoring, to more complex measures such as building retaining walls and tree wells. Since stabilization practices play such an important role in preventing erosion, it is critical that they are rapidly employed in appropriate areas. This permit provides that, except in two situations, stabilization measures be initiated on disturbed areas as soon as practicable, but no more than 7 days after construction activity on a particular portion of the site has temporarily or permanently ceased. The exceptions to this requirement are the following: Where construction activities will resume on a portion of the site within 30 days from when the construction activities ceased; and Where the initiation of stabilization measures is precluded by snow cover or frozen ground, in which case, stabilization measures must be initiated as soon as practicable.

3) Structural Practices: The pollution prevention plan must include a description of structural practices to the degree economically attainable, to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Structural controls are necessary because vegetative controls cannot be employed at areas of the site that are continually disturbed and because a finite time period is required before vegetative practices are fully effective. Options for such controls include silt fences, earth dikes, drainage swales, check dams, subsurface drains, pipeslope drains, level spreaders, storm drain inlet protection, rock outlet protection, sediment traps, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural measures should be placed on upland soils to the degree possible. For sites with more than 3 disturbed acres at one time that are served by a common drainage location, a temporary or permanent sediment basin providing 3,618 cubic feet of storage per acre drained, or equivalent control measures (such as suitably sized dry wells or infiltration structures), must be provided where attainable until final stabilization of the site has been accomplished. Flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization may be diverted around both the sediment basin and the disturbed area. The requirement to provide 3,618 cubic feet of storage area per acre drained does not apply to such diverted flows. For the drainage locations which serve more than 3 disturbed acres at one time and where a sediment basin providing storage or equivalent controls for 3,618 cubic feet per acre drained is not attainable, smaller sediment basins or sediment traps

should be used. At a minimum, silt fences, or equivalent sediment controls are required for all downslope and appropriate sideslope boundaries of the construction area. Diversion structures should be used on upland boundaries of disturbed areas to prevent runon from entering disturbed areas. For drainage locations serving 3 or less acres, smaller sediment basins or sediment traps should be used and at a minimum, silt fences, or equivalent sediment controls are required for all downslope and appropriate sideslope boundaries of the construction area. Alternatively, the permittee may provide a sediment basin providing storage for 3,618 cubic feet of storage per acre drained. Diversion structures should be used on upland boundaries of disturbed areas to prevent runon from entering disturbed areas. For the purpose of the special requirements for construction activities, the term "storm water management" measures refers to controls that will primarily reduce the discharge of pollutants in storm water from sites after completion of construction activities.

4) Storm Water Management: The plan must include a description of "storm water management" measures. This permit addresses only the installation of storm water management measures and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are responsible for obtaining other permits, if necessary, to authorize discharges from storm water management measures after storm water discharges associated with construction activities have been eliminated from the site. Storm water management measures that mitigate changes to predevelopment runoff characteristics assist in protecting and maintaining the physical and biological characteristics of receiving streams and wetlands. Structural measures should be placed on upland soils to the degree attainable. The installation of such devices may be subject to section 404 of the CWA if the devices are placed in wetlands or other state waters. Options for storm water management measures that are to be evaluated in the development of plans include infiltration of runoff on site; flow attenuation by use of open vegetated swales and natural depressions; storm water retention structures and storm water detention structures; and sequential systems that combine several practices. The pollution prevention plan must include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels. The explanation of the technical basis for selecting practices should address how a number of factors were evaluated, including the pollutant removal efficiencies of the measures, the costs of the measure, site specific factors that will affect the application of the measures, whether the measure is economically achievable at a particular site, and other relevant factors. Although not a limitation or performance standard in the permit, storm water management measures at many sites will be able to provide for the removal of at least 80 percent of total suspended solids (TSS).

A number of storm water management measures can be used to achieve this level of control, including properly designed and installed wet ponds, infiltration trenches, infiltration basins, sand filter system, manmade storm water wetlands, and multiple pond systems. The pollutant removal efficiencies of various storm water management measures can be estimated from a number of sources, including "Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices," U.S. EPA, 1992, and "A Current Assessment of Urban Best Management Practice", prepared for U.S. EPA by Metropolitan Washington Council of Governments, March 1992. Proper selection of a technology depends on site factors and other conditions. In selecting storm water management measures, the permittee should consider the impacts of each method on other water resources, such as ground water. Although storm water pollution prevention plans primarily focus on storm water management, DEQ encourages facilities to avoid creating ground water pollution problems. For example, if the water table is unusually high in an area or soils are especially sandy and porous, an infiltration pond may contaminate a ground water source unless special

preventive measures are taken. The evaluation of whether the pollutant loadings and the hydrologic conditions (the volume of discharge) of flows exceed predevelopment levels can be based on hydrologic models which consider conditions such as the natural vegetation which is typical for the area. Increased discharge velocities can greatly accelerate erosion near the outlet of onsite structural measures. To mitigate these effects, the permit would require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel as necessary to provide a nonerosive velocity flow from the structure to a water course. Velocity dissipation devices maintain and protect the natural physical and biological characteristics and functions of the water course, e.g., hydrologic conditions, such as the hydroperiod and hydrodynamics, that were present prior to the initiation of construction activities.

5) Other Controls: Other controls to be addressed in storm water pollution prevention plans for construction activities require that nonsolid materials, including building material wastes shall not be discharged at the site, except as authorized by a Section 404 permit. This proposed permit requires that offsite vehicle tracking of sediments and the generation of dust be minimized. For example, this may be accomplished by measures such as providing gravel or paving at access entrance and exit drives, parking areas, and unpaved roads on the site carrying significant amounts of traffic (e.g., more than 25 vehicles per day); providing entrance wash racks or stations for trucks; and/or providing street sweeping. In addition, this permit requires that the plan shall ensure and demonstrate compliance with applicable state and/or local sanitary sewer, septic system, and waste disposal regulations to the extent they apply to the permitted activity. The plan must also include a narrative description of practices to reduce pollutants from construction related materials which are stored onsite. Including an inventory of construction materials, storage practices, and spill prevention and response. The plan shall include a description of pollutant sources from areas other than the permitted construction activity that contribute to the discharge.

6) State and Local Controls: This general permit requires that storm water pollution prevention plans for facilities that discharge storm water associated with industrial activity from construction activities include procedures and requirements of state and local sediment and erosion control plans or storm water management plans. In addition, permittees are required to amend their storm water pollution prevention plans to reflect any change in a sediment and erosion site plan or site permit or storm water management site plan or site permit approved by state or local officials for which the permittee receives written notice. This provision does not apply to provisions of master plans, comprehensive plans, nonenforceable guidelines, or technical guidance documents, but rather to site-specific state or local permits or plans.

c. Maintenance: Erosion and sediment controls can become ineffective if they are damaged or not properly maintained. Maintenance of controls has been identified as a major part of effective erosion and sediment programs. Plans must contain a description of prompt and timely maintenance and repair procedures addressing all erosion and sediment control measures (e.g., sediment basins, traps, silt fences), vegetation, and other measures identified in the site plan to ensure that such measures are kept in good and effective operating condition.

d. Inspections: Procedures in a plan must provide that specified areas on the site are inspected by qualified personnel provided by the discharger a minimum of once every fourteen calendar days and within 48 hours after any storm event of greater than 0.5 inches. Areas of the site that must be observed during such inspections include disturbed areas, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site. Where sites have been temporarily or finally stabilized the inspection must be conducted at least once every month. Disturbed areas and areas used for storage of materials that are exposed to precipitation must be

inspected for evidence of, or the potential for, pollutants entering the runoff from the site. Erosion and sediment control measures identified in the plan must be observed to ensure that they are operating correctly. Observations can be made during wet or dry weather conditions. Where discharge locations or points are accessible, they must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. This can be done by inspecting receiving waters to see whether any signs of erosion or sediment are associated with the discharge location. Locations where vehicles enter or exit the site must be inspected for evidence of offsite sediment tracking. Based on the results of the inspection, the site description and the pollution prevention measures identified in the plan must be revised as soon as possible after an inspection that reveals inadequacies. The inspection and plan review process must provide for timely implementation of any changes to the plan within seven calendar days following the inspection. An inspection report that summarizes the scope of the inspection, name(s) and qualifications of personnel conducting the inspection, the dates of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken must be retained as part of the storm water pollution prevention plan for at least three years after the date that the site is finally stabilized. The report shall identify incidents of noncompliance. When the report does not contain an incident of noncompliance, the report shall contain a certification that the facility is in compliance with the pollution prevention plan and this permit. The report must be signed in accordance with the signatory requirements in Part III of the permit. Diligent inspections are necessary to ensure adequate implementation of onsite sediment and erosion controls, particularly in the later stages of construction when the volume of runoff is greatest and the storage capacity of the sediment basins has been reduced.

e. Nonstorm Water Discharges: The plan must identify and ensure the implementation of appropriate pollution prevention measures for each of the nonstorm water component(s) of the discharge. Such discharges include discharges from firefighting activities, fire hydrant flushings, waters used to wash vehicles or control dust in accordance with efforts to minimize offsite sediment tracking, potable water sources including waterline flushings, water used for hydrostatic testing of new pipeline construction; irrigation drainage from watering vegetation, routine exterior building wash down that does not use detergents, pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used, air conditioning condensate, springs, uncontaminated ground water (including dewatering ground water infiltration), and foundation or footing drains where flows are not contaminated with process materials such as solvents, provided the nonstorm water component of the discharge is specifically identified in the pollution prevention plan. Where these classes of nonstorm water discharges are identified in a pollution prevention plan and where appropriate pollution prevention measures are evaluated, identified, and implemented, they generally pose low risks to the environment. Flows from fire fighting activities do not need to be identified in plans because of the emergency nature of such discharges coupled with their low probability and the unpredictability of their occurrence.

7. Contractors/Subcontractors

The storm water pollution prevention plan must clearly identify for each measure identified in the plan, the contractor(s) and/or subcontractor(s) that will implement the measure. All contractors and subcontractors identified in the plan must sign a copy of the certification statement contained in the proposed permit (Part II E 2) before conducting any professional service at the site identified in the pollution prevention plan. All certifications must be included in the storm water pollution prevention plan. The certification must also include the name and title of the person providing the signature, the name address and telephone number of the contracting firm; the name and address of the site; and the date of certification. The permittee must insure that contractors and subcontractors who do not meet the definition of "operator", but will be conducting activities which may impact the effectiveness of any control measure identified in the plan sign a certification statement before conducting any professional service onsite. The certification must include the name and title of the person providing the signature; the name, address and telephone number of the contracting firm; the address identifying the site, and the

date the certification is made.

Summary of Options for Controlling Pollutants

The following summary information on controlling pollutants in storm water discharges is provided in order to assist permittees in preparing storm water pollution prevention plans. Most controls for construction activities can be categorized into two groups: Sediment and erosion controls; and Storm water management measures. Sediment and erosion controls generally address pollutants in storm water generated from the site during the time when construction activities are occurring. Storm water management measures generally are installed during and before completion of the construction process, but primarily result in reductions of pollutants in storm water discharged from the site after the construction has been completed. Additional measures include housekeeping best management practices.

A. Sediment and Erosion Controls
Erosion controls provide the first line of defense in preventing offsite sediment movement and are designed to prevent erosion through protection and preservation of soils. Sediment controls are designed to remove sediment from runoff before the runoff is discharged from the site. Sediment and erosion controls can be further divided into two major classes of controls: stabilization practices and structural practices. Major types of sediment and erosion practices are summarized below. A more complete description of these practices is given in "Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices", U.S. EPA, 1992.

1. Sediment and Erosion Controls: Stabilization Practices

Stabilization, as discussed here, refers to covering or maintaining an existing cover over soils. The cover may be vegetation, such as grass, trees, vines, or shrubs. Stabilization measures can also include nonvegetative controls such as geotextiles, riprap, or gabions (wire mesh boxes filed with rock). Mulches, such as straw or bark, are most effective when used in conjunction with establishing vegetation, but can be used without vegetation. Stabilization of exposed and denuded soils is one of the most important factors in minimizing erosion while construction activities occur. A vegetation cover reduces the erosion potential of a site by absorbing the kinetic energy of raindrops that would otherwise disturb unprotected soil; intercepting water so that it infiltrates into the ground instead of running off the surface; and slowing the velocity of runoff, thereby promoting deposition of sediment in the runoff. Stabilization measures are often the most important measures taken to prevent offsite sediment movement and can provide large reductions of suspended sediment levels in discharges and receiving waters.

Examples of stabilization measures are summarized below.

a. Temporary Seeding. Temporary seeding provides for temporary stabilization by establishing vegetation at areas of the site where activities will temporarily cease until later in the construction project. Without temporary stabilization, soils at these areas are exposed to precipitation for an extended time period, even though work is not occurring on these areas. Temporary seeding practices have been found to be up to 95 percent effective in reducing erosion.

b. Permanent Seeding. Permanent seeding involves establishing a sustainable ground cover at a site. Permanent seeding stabilizes the soil to reduce sediment in runoff from the site by controlling erosion and is typically required at most sites for aesthetic reasons.

c. Mulching. Mulching is typically conducted as part of permanent and temporary seeding practices. Where temporary and permanent seeding is not feasible, exposed soils can be

stabilized by applying plant residues or other suitable materials to the soil surface. Although generally not as effective as seeding practices, mulching by itself, does provide some erosion control. Mulching in conjunction with seeding provides erosion protection prior to the onset of vegetation growth. In addition, mulching protects seeding activities, providing a higher likelihood of successful establishment of vegetation. To maintain optimum effectiveness, mulches must be anchored to resist wind displacement.

d. Sod Stabilization. Sod stabilization involves establishing long-term stands of grass with sod on exposed surfaces. When installed and maintained properly, sodding can be more than 99 percent effective in reducing erosion, making it the most effective vegetation practice available. The cost of sod stabilization (relative to other vegetative controls) typically limits its use to exposed soils where a quick vegetative cover is desired and sites which can be maintained with ground equipment. In addition, sod is sensitive to climate and may require intensive watering and fertilization.

e. Vegetative Buffer Strips. Vegetative buffer strips are preserved or planted strips of vegetation at the top and bottom of a slope, outlining property boundaries, or adjacent to receiving waters such as streams or wetlands. Vegetative buffer strips can slow runoff flows at critical areas, decreasing erosion and allowing sediment deposition.

f. Protection of Trees. This practice involves preserving and protecting selected trees that exist on the site prior to development. Mature trees provide extensive canopy and root systems which help to hold soil in place. Shade trees also keep soil from drying rapidly and becoming susceptible to erosion. Measures taken to protect trees can vary significantly, from simple measures such as installing tree fencing around the drip line and installing tree armoring, to more complex measures such as building retaining walls and treewells.

2. Sediment and Erosion Controls: Structural Practices

Structural practices involve the installation of devices to divert flow, store flow, or limit runoff. Structural practices have several objectives. First, structural practices can be designed to prevent water from crossing disturbed areas where sediment may be removed. This involves diverting runoff from undisturbed up slope areas through use of earth dikes, temporary swales, perimeter dike/swales, or diversions to stable areas. A second objective of structural practices can be to remove sediment from site runoff before the runoff leaves the site. Approaches to removing sediment from site runoff include diverting flows to a trapping or storage device or filtering diffuse flow through silt fences before it leaves the site. All structural practices require proper maintenance (removal of sediment) to remain functional.

a. Earth Dike. Earth dikes are temporary berms or ridges of compacted soil that channel water to a desired location. Earth dikes should be stabilized with vegetation.

b. Silt Fence. Silt fences are a barrier of geotextile fabric (filter cloth) used to intercept sediment in diffuse runoff. They must be carefully maintained to ensure structural stability and to remove excess sediment.

c. Drainage Swales. A drainage swale is a drainage channel lined with grass, riprap, asphalt, concrete, or other materials. Drainage swales are installed to convey runoff without causing erosion.

d. Sediment Traps. Sediment traps can be installed in a drainage way, at a storm drain inlet, or other points of discharge from a disturbed area.

e. Check Dams. Check dams are small temporary dams constructed across a swale or drainage ditch to reduce the velocity of runoff flows, thereby reducing erosion of the swale or ditch. Check dams should not be used in a live stream. Check dams reduce the need for more stringent erosion control practices in the swale due to the decreased velocity and energy of runoff.

f. Level Spreader. Level spreaders are outlets for dikes and diversions consisting of an excavated depression constructed at zero grade across a slope. Level spreaders convert concentrated runoff into diffuse runoff and release it onto areas stabilized by existing vegetation.

g. Subsurface Drain. Subsurface drains transport water to an area where the water can be managed effectively. Drains can be made of tile, pipe, or tubing.

h. Pipe Slope Drain. A pipe slope drain is a temporary structure placed from the top of a slope to the bottom of a slope to convey surface runoff down slopes without causing erosion.

i. Temporary Storm Drain Diversion. Temporary storm drain diversions are used to re-direct flow in a storm drain to discharge into a sediment trapping device.

j. Storm Drain Inlet Protection. Storm drain inlet protection can be provided by a sediment filter or an excavated impounding area around a storm drain inlet. These devices prevent sediment from entering storm drainage systems prior to permanent stabilization of the disturbed area.

k. Rock Outlet Protection. Rock protection placed at the outlet end of culverts or channels can reduce the depth, velocity, and energy of water so that the flow will not erode the receiving downstream reach.

l. Other Controls. Other controls include temporary sediment basins, sump pits, entrance stabilization measures, waterway crossings, and wind breaks.

B. Storm Water Management Measures

Storm water management measures are installed during and prior to completion of the construction process, but primarily result in reductions of pollutants in storm water discharged from the site after the construction has been completed. Construction activities often result in significant changes in land use. Such changes typically involve an increase in the overall imperviousness of the site, which can result in dramatic changes to the runoff patterns of a site. As the amount within a drainage area increases, the amount of pollutants carried by the runoff increases. In addition, activities such as automobile travel on roads can result in higher pollutant concentrations in runoff compared to preconstruction levels. Traditional storm water management controls attempt to limit the increases in the amount of runoff and the amount of pollutants discharged from a site associated with the change in land use. Major classes of storm water management measures include infiltration of runoff onsite; flow attenuation by vegetation or natural depressions; outfall velocity dissipation devices; storm water retention structures and artificial wetlands; and storm water detention structures. For many sites, a combination of these controls may be appropriate. A summary of storm water management controls is provided below. A more complete description of storm water management controls is found in "Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices", U.S. EPA, 1992, and "A Current Assessment of Urban Best Management Practices", Metropolitan Washington Council of Governments, March 1992.

1. Onsite Infiltration: A variety of infiltration technologies, including infiltration trenches and infiltration basins, can reduce the volume and pollutant loadings of storm water discharges from a site. Infiltration devices tend to mitigate changes to predevelopment hydrologic conditions. Properly designed and installed infiltration devices can reduce peak discharges, provide ground water recharge, augment low

flow conditions of receiving streams, reduce storm water discharge volumes and pollutant loads, and protect downstream channels from erosion. Infiltration devices are a feasible option where soils are permeable and the water table and bedrock are well below the surface. Infiltration basins can also be used as sediment basins during construction. Infiltration trenches can be more easily placed into under-utilized areas of a development and can be used for small sites and infill developments. However, trenches may require regular maintenance to prevent clogs, particularly where grass inlets or other pollutant removing inlets are not used. In some situations, such as low density areas of parking lots, porous pavement can provide for infiltration.

2. Flow Attenuation by Vegetation or Natural Depressions: Flow attenuation provided by vegetation or natural depressions can provide pollutant removal and infiltration and can lower the erosive potential of flows. In addition, these practices can enhance habitat values and the appearance of a site. Vegetative flow attenuation devices include grass swales and filter strips as well as trees that are either preserved or planted during construction. Typically the costs of vegetative controls are less than other storm water practices. The use of check dams incorporated into flow paths can provide additional infiltration and flow attenuation. Given the limited capacity to accept large volumes of runoff, and potential erosion problems associated with large concentrated flows, vegetative controls should usually be used in combination with other storm water devices. Grass swales are typically used in areas such as low or medium density residential development and highway medians as an alternative to curb and gutter drainage systems.

3. Outfall Velocity Dissipation Devices: Outfall velocity dissipation devices include riprap and stone or concrete flow spreaders. Outfall velocity dissipation devices slow the flow of water discharged from a site to lessen erosion caused by the discharge.

4. Retention Structures/Artificial Wetlands: Retention structures include ponds and artificial wetlands that are designed to maintain a permanent pool of water. Properly installed and maintained retention structures (also known as wetponds) and artificial wetlands can achieve a high removal rate of sediment, BOD, organic nutrients and metals, and are most cost-effective when used to control runoff from larger, intensively developed sites. These devices rely on settling and biological processes to remove pollutants. Retention ponds and artificial wetlands can also create wildlife habitat, recreation, and landscape amenities, as well as corresponding higher property values.

5. Water Quality Detention Structures: Storm water detention structures include extended detention ponds, which control the rate at which the pond drains after a storm event. Extended detention ponds are usually designed to completely drain in about 24 to 40 hours, and will remain dry at other times. They can provide pollutant removal efficiencies that are similar to those of retention ponds. Extended detention systems are typically designed to provide both water quality and water quantity (flood control) benefits.

C. Housekeeping BMPs

Pollutants that may enter storm water from construction sites because of poor housekeeping include oils, grease, paints, gasoline, concrete truck wash down, raw materials used in the manufacture of concrete (e.g., sand, aggregate, and cement), solvents, litter, debris, and sanitary wastes. Construction site management plans can address the following to prevent the discharge of these pollutants: Designate areas for equipment maintenance and repair; Provide waste receptacles at convenient locations and provide regular collection of wastes; Locate equipment wash down areas on site, and provide appropriate control of washwaters; Provide protected storage areas for chemicals, paints, solvents, fertilizers, and other potentially toxic materials; and Provide adequately maintained sanitary facilities.

Proposed Monitoring Requirements

The permittee is required to inspect disturbed areas of the construction site and areas used for storage of

materials that are exposed to precipitation that have not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site. These inspections shall be conducted at least once every fourteen calendar days and within 48 hours of the end of a storm event that is 0.5 inches or greater. Records of these inspections are to be retained as part of the pollution prevention plan.

In establishing the minimum monitoring and reporting requirements for storm water discharges from construction sites, it was determined that frequent and thorough inspections would allow for the identification of areas contributing to a storm water discharge associated with industrial activity and the evaluation of whether measures to reduce pollutant loadings identified in the storm water pollution prevention plan are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Because construction sites can be complex, transient operations, frequent inspections are necessary to ensure that new pollutant sources are identified, measures are implemented for new activities at the site, and existing measures are kept operational. Measures to reduce pollutants in storm water discharges must be properly maintained in order to be effective. Often, these types of controls may become altered by construction activities or by storm events such that their ability to remove pollutants is severely limited. Frequent inspection for construction activities are appropriate and necessary for successful program implementation.

This general permit for storm water discharges from construction sites does not contain numeric effluent limitations. Requirements in this permit include the development of a storm water pollution prevention plan. Discharge sampling information would not provide as direct a link to compliance with this permit condition as it does with numeric limitations. Where permits require the implementation of pollution prevention measures and do not establish numeric effluent limitations, conducting inspections to identify sources of pollution and to evaluate whether the pollution prevention measures required by the permit are being effectively implemented and are in compliance with the terms of the permit will provide a better indication than discharge sampling of whether a facility is complying with the permit. This will also reduce discharge sampling burdens on the construction site. Also, due to the changing nature of the activity at a construction site, monitoring storm water from this type of site would have limited usefulness. The permittee is also required to maintain records summarizing the results of the inspection and a certification that the facility is in compliance with the permit. The requirement for adequate documentation of the inspection is particularly important given the lack of requirements to collect discharge monitoring data under the permit and the importance placed on using site inspections to ensure the effective implementation of pollution prevention plans.

Attachment 3

General Permit No.: VAR4

Effective Date: June 30, 1999
Expiration Date: June 30, 2004

GENERAL PERMIT FOR DISCHARGES OF STORM WATER
FROM CONSTRUCTION ACTIVITIES

AUTHORIZATION TO DISCHARGE UNDER THE
VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM
AND
THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, operators of construction activities (those sites or common plans of development or sale that will result in the disturbance of five of more acres total land area) with storm water discharges from these construction activities are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in Board regulation or policies which prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Discharge Authorization and Special Conditions, Part II - Storm Water Pollution Prevention Plan and Part III - Conditions Applicable To All VPDES Permits, as set forth herein.

PART I
DISCHARGE AUTHORIZATION AND SPECIAL CONDITIONS

A. Coverage Under This Permit.

1. During the period beginning with the date of coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge storm water from construction activities.

2. This permit also authorizes storm water discharges from offsite support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that:

a. The support activity is directly related to a construction site that is required to have VPDES permit coverage for discharges of storm water associated with construction activity;

b. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and

c. Appropriate controls and pollution prevention measures for the discharges from the support activity areas are identified in the storm water pollution prevention plan for the construction activity.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts.

B. Limitation on Coverage.

1. Post-Construction Discharges. This permit does not authorize storm water discharges that originate from the site after construction activities have been completed and the site, including any temporary support activity site, has undergone final stabilization. Industrial post-construction storm water discharges may need to be covered by a separate VPDES permit.

2. Discharges Mixed With Nonstorm Water. This permit does not authorize discharges that are mixed with sources of nonstorm water, other than those discharges which are identified in Part I D 2 (exceptions to prohibition on nonstorm water discharges) and are in compliance with Part II D 5 (nonstorm water discharges).

3. Discharges Covered by Another Permit. This permit does not authorize storm water discharges associated with construction activity that have been covered under an individual permit or required to obtain coverage under an alternative general permit in accordance with Part III.X.

C. Commingled Discharges.

Any discharge authorized by a different VPDES permit may be commingled with discharges authorized by this permit.

D. Prohibition of Nonstorm Water Discharges.

1. Except as provided in Parts I.A.2, I.C and I.D.2, all discharges covered by this permit shall be composed entirely of storm water associated with construction activity.

2. The following nonstorm water discharges from active construction sites are authorized by this permit provided the nonstorm water component of the discharge is in compliance with Part II.D.5 (nonstorm water discharges): discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles where detergents are not used; water used to control dust; potable water sources including waterline flushings; water used for hydrostatic testing of new pipeline construction; routine external building wash down which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated compressor condensate; uncontaminated ground water or spring water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

E. Releases of Hazardous Substances or Oil in Excess of Reportable Quantities.

The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110 (1998), 40 CFR 117 (1998) or 40 CFR 302 (1998) occurs during a 24 hour period, the permittee is required to notify the Department in accordance with the requirements of Part III G as soon as he or she has knowledge of the discharge. In addition, the storm water pollution prevention plan required under Part II of this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110 (1998), 40 CFR 117 (1998) and 40 CFR 302 (1998) or ' 62.1-44.34:19 of the Code of Virginia.

F. Spills.

This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

G. Notice of Termination.

1. Where a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated, the permittee of the facility shall submit a Notice of Termination that is signed in accordance with Part III.K.

2. The terms and conditions of this permit shall remain in effect until a completed Notice of Termination is submitted. Coverage under the permit will be deemed terminated two days after the operator submits the Notice of Termination to the Department.

PART II
STORM WATER POLLUTION PREVENTION PLANS

A storm water pollution prevention plan shall be developed for the construction activity covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site. In addition, the plan shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges at the construction site and to assure compliance with the terms and conditions of this permit. Permittees must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

The storm water pollution prevention plan requirements of this general permit may be fulfilled by incorporating by reference other plans such as an erosion and sediment control plan, a spill prevention control and countermeasure (SPCC) plans developed for the facility under Section 311 of the Clean Water Act or best management practices (BMP) programs otherwise required for the facility provided that the incorporated plan meets or exceeds the plan requirements of Part II D. If an erosion and sediment control plan for the construction activity is being incorporated by reference, it shall have been approved by the locality in which the construction activity is to occur or by another appropriate plan approving authority authorized under the Virginia Erosion and Sediment Control Regulation 4 VAC 50-30-10 et seq. All plans incorporated by reference into the storm water pollution prevention plan become enforceable under this permit.

A. Deadlines for Plan Preparation and Compliance.

1. For construction activities that have begun on or before June 30, 1999, the storm water pollution prevention plan shall be prepared and provide for compliance with the terms and schedule of the plan beginning within 30 days after the date of coverage under this permit.

2. For construction activities that have begun after June 30, 1999, the plan shall be prepared prior to submittal of the Registration Statement and provide for compliance with the terms and schedule of the plan beginning with the initiation of construction activities.

3. For ongoing construction activity involving a change of operator, the new operator shall accept and maintain the existing storm water pollution prevention plan or prepare and implement a new storm water pollution prevention plan prior to taking over operations at the site.

B. Signature and Plan Review.

1. The plan shall be signed in accordance with Part III K, and be retained with a copy of this permit onsite at the facility which generates the storm water discharge in accordance with Part III B of this permit.

2. The permittee shall make plans available upon request to the Department; a State or local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge which discharges through a municipal separate storm sewer system to the operator of the municipal system from the date of project initiation to the date of final stabilization. Permittees with day-to-day operational control over plan implementation shall have a copy of the plan available at a central location onsite for the use of all operators and those identified as having responsibilities under the plan whenever they are on the construction site. The copy of the plan that is required to be kept onsite must be made available to the Department for review at the time of an onsite inspection.

3. The Director may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this Part. Such notification shall identify those provisions of the permit which are not being met by the plan and identify which provisions require modifications in order to meet the minimum requirements of this permit. Within 7 days of such notification the permittee shall make the required changes and shall submit to the Department a written

certification that the requested changes have been made. The Director may take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of this permit.

C. Keeping Plans Current.

The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters and which has not otherwise been addressed in the plan or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part II.D.1. of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges. The plan shall be amended in accordance with Part II.E. to identify any new contractor that will implement a measure of the plan.

D. Contents of Plan.

The storm water pollution prevention plan shall include the following items:

1. Site Description. Each plan shall provide a description of pollutant sources and other information as indicated:

a. A description of the nature of the construction activity;

b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading, utilities and infrastructure installation);

c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities including offsite borrow and fill areas covered by the plan;

d. An estimate of the runoff coefficient of the site prior to construction and after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;

e. A description of existing vegetation at the site;

f. A description of any other potential pollution sources, such as vehicle fueling, storage of fertilizers or chemicals, sanitary waste facilities, etc.;

g. The name of the receiving water(s) and the ultimate receiving water(s), and areal extent of wetland acreage at the site;

h. A site map indicating:

(1) drainage patterns and approximate slopes or contours anticipated after major grading activities;

(2) areas of soil disturbance and areas of the site which will not be disturbed;

(3) the location of major structural and nonstructural controls identified in the plan;

(4) the location of areas where stabilization practices are expected to occur including the types of vegetative cover;

(5) surface waters (including wetlands);

(6) locations where storm water is discharged to a surface water with an outline of the drainage area for each discharge point;

(7) existing and planned paved areas and buildings;

(8) locations of permanent storm water management practices to be used to control pollutants in storm water after construction activities have been completed;

(9) locations of offsite material, waste, borrow or equipment storage areas covered by the plan; and

(10) locations of other potential pollution sources as described in f. above; and

i. The location and description of any discharge associated with industrial activity other than construction, including storm water discharges from dedicated asphalt plants and dedicated concrete plants, which is covered by this permit.

Two site maps may be developed, one indicating pre-construction site conditions and the second indicating final site conditions. The two maps should be on the same scale.

2. Controls. Each plan shall include a description of appropriate controls and

measures that will be implemented to control pollutants in storm water discharges at the construction site. The plan will clearly describe for each major activity identified in the site plan appropriate control measures and the timing during the construction process that the measures will be implemented. (For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed after final stabilization). The description and implementation of controls shall address the following minimum components:

a. Erosion and Sediment Controls.

(1) Short and Long Term Goals and Criteria.

(a) The construction-phase erosion and sediment controls shall be designed to retain sediment on site to the maximum extent practicable.

(b) All control measures must be properly selected, installed, and maintained in accordance with the manufacturers specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the permittee must replace or modify the control for site situations.

(c) If sediment escapes the construction site, offsite accumulations of sediment must be removed at a frequency sufficient to minimize offsite impacts (e.g., fugitive sediment in street could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).

(d) Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.

(e) Litter, construction debris, and construction chemicals exposed to storm water shall be prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, picked up daily).

(f) Offsite material storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) where storm water discharges are authorized by this permit are considered a part of the project and shall be addressed in the plan.

(2) Stabilization Practices. The storm water pollution prevention plan shall include a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include, but are not limited to: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, riprap, gabions, facines, biologs and other appropriate measures. Use of impervious surfaces for stabilization should be avoided.

A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be maintained and included in the plan.

Except as provided in Part II.D.2.a.(2)(a), and (b), stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.

(a) Where the initiation of stabilization measures by the 7th day after construction activity temporary or permanently cease is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable.

(b) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 30 days, temporary stabilization measures do not have to be initiated on that portion of site.

(3) Structural Practices. The plan shall include a description of structural practices to divert flows from exposed soils, store flows or otherwise

limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include, but are not limited to: silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be placed on upland soils, to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.

(a) For common drainage locations that serve an area with 3 or more acres at one time, a temporary (or permanent) sediment basin providing 3,618 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. The 3,618 cubic feet of storage area per acre drained does not apply to flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is attainable, the permittee may consider factors such as site soils, slope, available area on site, etc. In any event, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls shall be used where site limitations would preclude a safe design. For drainage locations which serve three (3) or more acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. Where neither the sediment basin nor equivalent controls are attainable due to site limitations, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions. The Department encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

(b) For drainage locations serving less than 3 acres, smaller sediment basins or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips or equivalent sediment controls are required for all downslope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for 3,618 cubic feet of storage per acre drained is provided. The Department encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

b. Storm Water Management. A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed must be included in the storm water pollution prevention plan. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges from construction activities have been eliminated from the site. Post-construction storm water BMPs that discharge pollutants from point sources once construction is completed, may in themselves, need authorization under a separate VPDES permit.

(1) Such practices may include, but are not limited to: storm water detention structures (including dry ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; storm water wetlands; sand filters; bioretention systems; water quality structures; and sequential systems (which combine several practices). The pollution prevention plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.

(2) Velocity dissipation devices shall be placed at discharge locations

and along the length of any outfall channel as necessary to provide a nonerosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

c. Other Controls.

(1) No solid materials, including building materials, garbage, and debris shall be discharged to surface waters of the State, except as authorized by a CWA Section 404 permit.

(2) Where construction vehicle access routes intersect paved public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto the paved surface. Where sediment is transported onto a public road surface, the road shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner.

(3) The plan shall ensure and demonstrate compliance with applicable State or local waste disposal, sanitary sewer or septic system regulations.

(4) The plan shall include a description of construction and waste materials expected to be stored onsite with updates as appropriate. The plan shall also include a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to storm water, and spill prevention and response.

(5) The plan shall include a description of pollutant sources from areas other than the permitted construction activity (including storm water discharges from dedicated asphalt plants and dedicated concrete plants) that contribute to the permitted discharge.

d. Approved State or Local Plans.

(1) Permittees which discharge storm water associated with construction activities must ensure their storm water pollution prevention plan is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by state, or local officials.

(2) Storm water pollution prevention plans must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or storm water management site plans or site permits approved by state, or local officials for which the permittee receives written notice.

3. Maintenance. The storm water pollution prevention plan must include a description and schedule of procedures to maintain in good and effective operating conditions vegetation, erosion and sediment control measures and other protective measures during construction identified in the site plan. If site inspections required by Part II.D.4. identify BMPs that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

4. Inspections. Facility personnel who are familiar with the construction activity, the BMPs and the storm water pollution prevention plan shall inspect disturbed areas of the construction site that have not been finally stabilized, and areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site. These inspections shall be conducted at least once every fourteen calendar days and within 48 hours of the end of a storm event that is 0.5 inches or greater. Where areas have been finally or temporarily stabilized or runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or frozen ground exists) such inspections shall be conducted at least once every month.

a. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in

preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.

b. Based on the results of the inspection, the site description identified in the plan in accordance with Part II.D.1 of this permit and pollution prevention measures identified in the plan in accordance with Part II.D.2 of this permit shall be revised as appropriate, but in no case later than 7 calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation shall be completed before the next anticipated storm event. If implementation before the next anticipated storm event is impracticable, they shall be implemented as soon as practicable.

c. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with Part II.D.4.b of the permit shall be made and retained as part of the storm water pollution prevention plan in accordance with Part III.B of this permit. Major observations should include: the location(s) of discharges of sediment or other pollutants from the site; location(s) of BMPs that need to be maintained; location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and location(s) where additional BMPs are needed that did not exist at the time of inspection. Such reports shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part III.K of this permit.

5. Nonstorm Water Discharges. Except for flows from fire fighting activities, sources of nonstorm water listed in Part I.D.2 of this permit that are combined with storm water discharges from the construction site must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the nonstorm water component(s) of the discharge.

E. Contractors.

1. The storm water pollution prevention plan must clearly identify for each measure identified in the plan, the contractor(s) or subcontractor(s) that will implement the measure. All contractors and subcontractors identified in the plan must sign a copy of the certification statement in Part II.E.2 of this permit in accordance with Part III.K of this permit. All certifications must be included in the storm water pollution prevention plan.

2. All contractors and subcontractors identified in a storm water pollution prevention plan in accordance with Part II.E.1 of this permit shall sign a copy of the following certification statement before conducting any professional service at the site identified in the storm water pollution prevention plan:

"I certify under penalty of law that I understand the terms and conditions of this Virginia Pollutant Discharge Elimination System (VPDES) general permit that authorizes the storm water discharges from the construction activity identified as part of this certification."

The certification must include the name and title of the person providing the signature in accordance with Part III.K of this permit; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

PART III
CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.

2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.

3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Records.

1. Records of monitoring information shall include:
   a. The date, exact place, and time of sampling or measurements;
   b. The individual(s) who performed the sampling or measurements;
   c. The date(s) and time(s) analyses were performed;
   d. The individual(s) who performed the analyses;
   e. The analytical techniques or methods used; and
   f. The results of such analyses.

2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least 3 years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the Department's regional office.

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.

3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.

4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information.

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports.

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges.

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or

2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges.

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part III F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part III F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges.

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part III I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as

information which shall be reported within 24 hours under this paragraph:

a. Any unanticipated bypass; and

b. Any upset which causes a discharge to surface waters.

2. A written report shall be submitted within 5 days and shall contain:

a. A description of the noncompliance and its cause;

b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and

c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part III I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts III I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part III I 2.

NOTE: The immediate (within 24 hours) reports required in Parts III G, H and I may be made to the Department's Regional Office. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes.

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or

(2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements.

1. Registration Statement. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-

quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part III K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part III K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

c. The written authorization is submitted to the Department.

3. Changes to authorization. If an authorization under Part III K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part III K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts III K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 90 days before the expiration date of the existing permit,

unless permission for a later date has been granted by the Board. The Board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit.

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part III U), and "upset" (Part III V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance.

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges.

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate.

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts III U 2 and U 3.

2. Notice

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part III I.

3. Prohibition of bypass.

a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part III U 2.

b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part III U 3 a.

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part III V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and that the permittee can identify the cause(s) of the upset;

b. The permitted facility was at the time being properly operated;

c. The permittee submitted notice of the upset as required in Part III I; and

d. The permittee complied with any remedial measures required under Part III S.

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry.

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions.

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated

noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part III Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

2. As an alternative to transfers under Part III Y 1, this permit may be automatically transferred to a new permittee if:

a. The current permittee notifies the Department at least 2 days in advance of the proposed transfer of the title to the facility or property;

b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2 b.

Z. Severability.

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

Attachment 4
VA Construction SWGP Forms

SWGP99-004-REG, Registration Statement Form and Instructions
SWGP99-004-NOT, Notice of Termination Form and Instructions

(This page is blank... but you knew that.)

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES)
GENERAL PERMIT REGISTRATION STATEMENT
FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES [VAR4]

(Please Type or Print All Information)

1. **Construction Activity Operator**

   Name:_____

   Mailing Address:_____

   City:_____ State:_____ Zip:_____ Phone:_____

2. **Location of Construction Activity**

   Name:_____

   Address: _____

   City:_____ State:_____ Zip:_____

   If street address unavailable: Latitude _____ Longitude _____

3. **Location of All Offsite Support Activities to be Covered Under The Permit**

   Name:_____

   Address: _____

   City:_____ State:_____ Zip:_____

   If street address unavailable: Latitude _____ Longitude _____

4. **Status:** Federal ❑ State ❑ Public ❑ Private ❑ (Check one only)

5. **Is Storm Water Runoff Discharged to a Municipal Separate Storm Sewer System (MS4)?** Yes ❑ No ❑

   If yes, name of the MS4 operator _____

6. **Receiving Water Body of Direct Discharge or Municipal Separate Storm Sewer System (e.g. Clear Creek or Unnamed Tributary to Clear Creek):**_____

7. **Project Start Date** _____

8. **Total Land Area of Site (acres)** _____ 9. **Estimated Area to be Disturbed (acres)** _____

10. **Has a Storm Water Pollution Prevention Plan Been Prepared in Accordance with the Requirements of the VPDES General Permit for Storm Water Discharges From Construction Activities?** Yes ❑ No ❑

    If no, explain _____

11. **Has an Erosion and Sediment Control Plan for the Construction Activity Been Approved by an Appropriate State or Local Plan Approving Authority?** Yes ❑ No ❑ **If not, is this activity exempt from the plan requirements of the Virginia Erosion and Sediment Control Regulation?** Yes ❑ No ❑

    Give the name of approving authority or cite the basis for plan exemption _____

12. **Certification:** "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

    Print Name: _____ Title: _____

    Signature:_____ Date:_____

For Department of Environmental Quality Use Only DEQ-WATER FORM ***SWGP99-004-REG*** (6/99)

Accepted/Not Accepted by: _____ Date:_____

Basin _____ Stream Class _____ Section _____ Special Standards _____

INSTRUCTIONS for DEQ-WATER FORM *SWGP99-004-REG*

VPDES GENERAL PERMIT REGISTRATION STATEMENT FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

General
A Registration Statement must be submitted when an operator makes application to the Department of Environmental Quality for coverage under the General VPDES Permit for Storm Water Discharges From Construction Activities.

Section 1 Activity Operator Information
For the purposes of this general permit, "Operator" means any person associated with a construction project that meets either of the following two criteria: (i) The person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (ii) the person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the storm water pollution prevention plan or comply with other permit conditions). The entities who are considered operators will commonly consist of the owner or developer of a project (the party with control of project specifications) and the general contractor (the party with day to day operational control of the activities at the project site which are necessary to ensure compliance with the permit). Contractors and subcontractors who are under the general supervision of the general contractor are not considered operators and would not need to submit a registration statement. Give the legal name of the operator, do not use a colloquial name. Enter the complete address and phone number of the operator. The permit will be issued to this person.

Section 2 Activity Location Information
Enter the activity's official name and complete street address, including city, state and ZIP code. If the site lacks a street address, enter the latitude and longitude to the nearest 15 seconds of the approximate center of the site.

Section 3 Offsite Support Activities
The general permit may be used to authorize storm water discharges from activities that are located away from the construction site (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that they meet the following criteria: 1) The support activity is directly related to a construction site that is required to have VPDES permit coverage for discharges of storm water associated with construction activity; 2) The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and 3) Appropriate controls and measures are identified in a storm water pollution prevention plan covering the discharges from the support activity areas.

Provide the information required for each offsite support activity seeking coverage. Support activities located off site are not required to be covered under this general permit. Discharges of storm water from offsite support activities may be authorized under another VPDES permit. Where storm water discharges from offsite support activities are not authorized under this general permit, the land area of the offsite support activity need not be included in determining the total land disturbance acreage of the activity seeking general permit coverage.

Section 4 Legal Status
Indicate the appropriate legal status of the operator of the site.

Section 5 Discharge Information
If the storm water discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g. municipality name, county name). An MS4 is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by a state, city, town, borough, county, parish, district, association, or other public body which is designed or used for collecting or conveying storm water.

Section 6 Receiving Water Body
If the storm water discharges to a municipal separate storm sewer system (MS4), enter the name of the receiving water of the discharge from the MS4. If the site discharges storm water directly to receiving water(s), enter the name of the receiving water(s) (e.g. Clear Creek, unnamed tributary to Clear Creek).

Section 7 Project Start Date
Enter the project start date.

Section 8 Area of the Site
Enter the total area of the site. This means the total acreage of the larger common plan of development or sale. Include the acreage of any offsite support activities to be covered under the permit.

Section 9 Estimated Acres to be Disturbed
Enter an estimate of the total number of acres of the site on which soil will be disturbed.

Section 10 Pollution Prevention Plan
Indicate whether a storm water pollution prevention plan for the site has been prepared in compliance with the requirements of the VPDES General Permit for Storm Water Discharges From Construction Sites (9 VAC 25-180-10 et seq.). If not, provide a brief explanation.

Section 11 Erosion and Sediment Control Plan
Indicate whether an erosion and sediment control plan for the site has been approved by an entity that is authorized to approve E&S plans. Certain construction activities are exempt from the requirement to develop an E&S plan. Check with your local E&S authority if you have questions about the need for a plan. Provide the name of the plan approving authority or cite the regulatory basis for your exemption from the plan requirements.

Section 12 Certification
The operator identified in Section 1 of this Registration Statement is responsible for certifying and submitting this Registration Statement.

State statutes provide for severe penalties for submitting false information on this Registration Statement. State regulations require this Registration Statement to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures ***[Note: if the title of the individual signing this form is "Plant Manager", submit a written verification that the facility employs more than 250 people or has gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), and that authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures]***

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

The Department of Environmental Quality reserves the right to request additional information not directly addressed by the Registration Statement if, in its discretion, a facility or operation poses a potential impact on water quality.

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES)

GENERAL PERMIT NOTICE OF TERMINATION
FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES [VAR4]

(Please Type or Print All Information)

1. Construction Activity Operator

Name:_____

Mailing Address:_____

City:_____ State:_____ Zip:_____ Phone:_____

2. Location of Construction Activity

Name:_____

Address: _____

City:_____ State:_____ Zip:_____

If street address unavailable: Latitude _____ Longitude _____

3. VPDES Storm Water General Permit Number: _____

4. Check the appropriate box indicating the reason for terminating coverage under the general permit.

❑ **I am no longer the operator of the site.**

❑ **The construction site has undergone final stabilization and the storm water discharges from the construction activity have been terminated.**

5. <u>Certification:</u>

"I certify under penalty of law that all storm water discharges from the identified construction activity that are authorized by a VPDES general permit have been eliminated, or that I am no longer the operator of the construction activity. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water in accordance with the general permit, and that discharging pollutants to surface waters is unlawful where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit."

Print Name: _____ Title: _____

Signature:_____ Date:_____

For Department of Environmental Quality Use Only DEQ-WATER FORM ***SWGP99-004-NOT*** (6/99)

Accepted/Not Accepted by: _____ Date:_____

INSTRUCTIONS for DEQ-WATER FORM *SWGP99-004-NOT*

VPDES GENERAL PERMIT NOTICE OF TERMINATION FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

General

A VPDES General Permit Notice of Termination must be submitted when an operator no longer wishes to be covered under a VPDES General Permit for Storm Water Discharges From Construction Activities.

Section 1 Activity Operator Information

Give the legal name of the person, firm, public organization, or any other entity that was issued the general permit for the site described in this Notice of Termination. Do not use a colloquial name. Enter the complete address and phone number of the operator.

Section 2 Activity Location Information

Enter the activity's official name and complete street address, including city, state and ZIP code. If the activity or site lacks a street address, indicate the latitude and longitude to the nearest 15 seconds of the approximate center of the site.

Section 3 Permit Information

Enter the existing VPDES Storm Water General Permit number assigned to the activity or site identified in Section 1.

Section 4 Reason for Termination

Check the appropriate statement indicating the reason for submitting this Notice of Termination.

Section 5 Certification

State statutes provide for severe penalties for submitting false information on this Notice of Termination.

State regulations require this Notice of Termination to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures ***[Note: if the title of the individual signing this form is "Plant Manager", submit a written verification that the facility employs more than 250 people or has gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), and that authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures]***;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

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